

Case 3:04-md-01578

Document 105

Filed 06/19/2006

Page JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**A CERTIFIED TRUE COPY****FILED****JUN 14 2006****JUN 28 2006****DOCKET NO. 1578**

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NORTHERN DISTRICT OF TEXAS

FILED
CLERK'S OFFICE'U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILEDATTESTED BY *Dominic Mangan*
FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**IN RE UICI "ASSOCIATION-GROUP" INSURANCE LITIGATION***Cindy Power v. UICI, et al.*, C.D. California, C.A. No. 8:06-206*Clyde E. Hart v. UICI, et al.*, N.D. California, C.A. No. 3:06-196

CLERK, U.S. DISTRICT COURT

By

SAC

Deputy

JUN 9 2006

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in one Central District of California action and one Northern District of California action. These plaintiffs seek to vacate the Panel's orders conditionally transferring the actions to the Northern District of Texas for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Defendant Mid-West National Life Insurance Co. of Tennessee opposes the motions and urges inclusion of the actions in the MDL-1578 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these two actions involve common questions of fact with the actions in this litigation previously transferred to the Northern District of Texas, and that transfer of these actions to the Northern District of Texas for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Northern District of Texas was a proper Section 1407 forum for actions involving allegations that the defendants engaged in a scheme to sell so-called association-group insurance by, among other things, fraudulently concealing relationships between certain insurance companies and two purported not-for-profit associations and making fraudulent misrepresentations in connection with the marketing of memberships in the associations. *See In re UICI "Association-Group" Insurance Litigation*, 305 F.Supp.2d 1360 (J.P.M.L. 2004). Plaintiffs' motions for remand to state court can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). Moreover, the transferee court is well situated to determine the preclusive effect, if any, of the MDL-1578 settlement upon plaintiff's claims in the Northern District of California action.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these two actions are transferred to the Northern District of Texas and, with the consent of that court, assigned to the

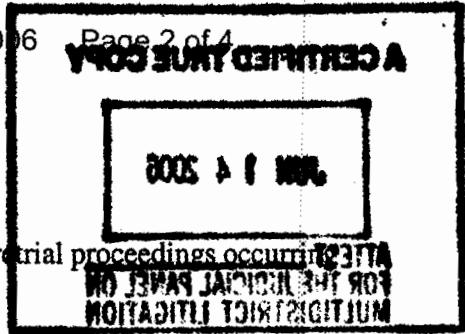
Certified a true copy of an instrument
on file in my office on 10-19-06
Clerk, U.S. District Court,
Northern District of Texas
By D. Vang Deputy

Case 3:04-md-01578 Document 105 Filed 06/19/2006

Page 2 of 4

- 2 -

Honorable A. Joe Fish for inclusion in the coordinated or consolidated pretrial proceedings occurring ~~in this docket.~~
there in this docket.



FOR THE PANEL:

Wm. Terrell Hodges

Wm. Terrell Hodges
Chairman

Case 3:04-md-01578 Document 105 Filed 06/19/2006 Page 3 of 4

INVOLVED COUNSEL LIST

DOCKET NO. 1578

IN RE UICI "ASSOCIATION-GROUP" INSURANCE LITIGATION

Mark Gavin Crawford
Lopez, Hodes, Restaino, Milman & Skikos
625 Market Street
11th Floor
San Francisco, CA 94105

Andre J. Cronthall
Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448

Randy D. Curry
Law Offices of Randy D. Curry
2901 West Coast Highway
Suite 200
Newport Beach, CA 92663

Robert L. DellAngelo
Munger, Tolles & Olson, LLP
355 South Grand Avenue
35th Floor
Los Angeles, CA 90071-1560

Catherine La Tempa
Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448

Jeffrey H. Ochrach
Jeffrey H. Ochrach Law Offices
1512 Eureka Road
Suite 310
Roseville, CA 95661-3040

Joel S. Poremba
Law Offices of Robert K. Scott
7700 Irvine Center Drive
Suite 605
Irvine, CA 92618

Kennedy P. Richardson
Marion's Inn
1611 Telegraph Ave.
Suite 707
Oakland, CA 94612-2145

Antony Stuart
Stuart Law Firm
12400 Wilshire Boulevard
Suite 400
Los Angeles, CA 90025-1030

Case 3:04-md-01578 Document 105 Filed 06/19/2006 Page 4 of 4

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Catherine D. Maida
Acting Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

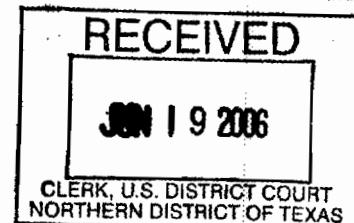
<http://www.jpml.uscourts.gov>

June 14, 2006

Karen S. Mitchell, Clerk
14A20 Earle Cabell Federal Building & U.S. Courthouse
1100 Commerce Street
Dallas, TX 75242-1003

Re: MDL-1578 -- In re UICI "Association-Group" Insurance Litigation

Cindy Power v. UICI, et al., C.D. California, C.A. No. 8:06-206
Clyde E. Hart v. UICI, et al., N.D. California, C.A. No. 3:06-196



Dear Ms. Mitchell:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Catherine D. Maida
Acting Clerk of the Panel

By Denise Margam
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge A. Joe Fish
Transferor Judges: Judge Samuel Conti, Judge Florence-Marie Cooper
Transferor Clerks: Richard W. Wiking, Sherri R. Carter

United States District Court
Northern District of Texas

Karen Mitchell
Clerk of Court

1100 Commerce, Room 1452
Dallas, Texas 75242

June 19, 2006

Clerk of Court
Northern District of California
450 Golden Gate Ave, 16th Fl
San Francisco, CA 94102

RE: Your Number 3:06cv196

SUBJECT: In Re: UICI "Associated-Group" Insurance Litigation
Case Number: 3:04md1578-G

Dear Clerk

Attached is copy of the order of the Judicial Panel on Multidistrict Litigation directing the transfer of the above civil action to this district under 28 U.S.C. 1407.

Please forward to this office your entire file and a certified copy of the docket report. Receipt of this order may be acknowledge by returning requested documents.

Sincerely

Karen Mitchell
Clerk of Court

By: s/ S VanCamp

S VanCamp,
Deputy Clerk

Enclosures/Attachment